

EXHIBIT “A”

1 McGREGOR W. SCOTT
United States Attorney
2 KRISTIN S. DOOR SB #84307
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2705

5 PETER D. KEISLER
Assistant Attorney General
6 MICHAEL F. HERTZ
DODGE WELLS
7 GEJAA T. GOBENA
Civil Division
8 Commercial Litigation Branch
P.O. Box 261
9 Ben Franklin Station
Washington, D.C. 20044
10 Telephone: (202)307-1088

11 Attorneys for the United States of America
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA
15

16 [SEALED],

17 Plaintiffs,

18 v.

19 [SEALED],

20 Defendants.
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ORIGINAL
FILED

APR - 7 2005

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CIV. S-04-1955 MCE/PAN

UNITED STATES OF AMERICA'S
AND THE STATE OF
CALIFORNIA'S JOINT NOTICE OF
ELECTION TO DECLINE
INTERVENTION

FILED UNDER SEAL

1 McGREGOR W. SCOTT
United States Attorney
2 KRISTIN S. DOOR SB #84307
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2723

5 PETER D. KEISLER
Assistant Attorney General
6 MICHAEL F. HERTZ
DODGE WELLS
7 GEJAA T. GOBENA
Civil Division
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13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA
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16 UNITED STATES OF AMERICA and)
the STATE OF CALIFORNIA ex rel)
17 MIKE STIERLI,)
18 Relator Plaintiff,)
19 v.)
20 SHASTA SERVICES, INC., dba)
TIMBERWORKS; and DOES 1 through)
21 50, inclusive,)
22 *Qui Tam* Defendants.)
23

CIV. S-04-1955 MCE/PAN

**UNITED STATES OF AMERICA'S
AND THE STATE OF
CALIFORNIA'S JOINT NOTICE OF
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24 Pursuant to the federal and state False Claims Acts, 31 U.S.C. §§ 3730(b)(2)-
25 (b)(4) and (c)(3), and California Government Code §§ 12652(c)(2), (c)(5) and (c)(6)(B),
26 the United States of America and the State of California ("the Government"), by the
27 undersigned attorneys, hereby notifies the Court that the United States and the State of
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1 California elect to decline to intervene and take over this action at this time.

2 As provided by 31 U.S.C. § 3730(c)(3) and California Government Code
3 §12652(f)(1), the Government, as real party in interest¹, hereby requests that the parties
4 serve the United States and the State of California, through their respective undersigned
5 counsel, with copies of all pleadings and papers filed in the action. The Government also
6 requests that it be served with copies of all orders filed in the action, and all papers
7 lodged in the action. The Government notes that 31 U.S.C. § 3730(c)(3) and California
8 Government Code §12652(f)(1) permit the United States and the State of California to be
9 supplied with copies of all deposition transcripts at their expense upon declination, but
10 the Government currently declines to request that they be served with deposition
11 transcripts at this time.

12 In addition, the Government hereby requests that, should either the relator or the
13 defendant propose to dismiss, settle, or otherwise discontinue this action, the Court
14 provide the United States and the State of California with notice and an opportunity to be
15 heard before the Court rules or grants its approval. *U.S. ex rel. Green v. Northrop Corp.*,
16 59 F.3d 953, 959 (9th Cir. 1995); *U.S. ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d
17 715, 720, 723-25 (9th Cir. 1994); *U.S. ex rel. Kelly v. Boeing Co.*, 9 F.3d 743, 753, n.10
18 (9th Cir. 1993); Cal. Gov. Code §§ 12652(c)(1) and (f)(2)(A)).

19 Finally, the United States requests that the relator's Complaint, this Notice, and the
20 attached proposed Order be unsealed. The United States requests that all other papers on
21 file in this action remain under seal because in discussing the content and extent of the
22 United States' investigation, such papers are provided by law to the Court alone for the
23 sole purpose of evaluating whether the seal and time for making an election to intervene
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26 Like its federal counterpart, a state *qui tam* plaintiff files "...for the State of California in
27 the name of the state, if any state funds are involved...." See Cal. Gov. Code §
28 12652(c)(1) and compare with 31 U.S.C. § 3070(b)(1), which provides, in pertinent part,
that a *qui tam* under the federal FCA files "...for the United States Government. The
action shall be brought in the name of the Government."

1 should be extended.

2 A proposed order accompanies this notice.

3 Respectfully submitted,

4
5 DATED: 4/6/05

6 MCGREGOR W. SCOTT
United States Attorney

7
8 By Kristin S. Door
KRISTIN S. DOOR
9 Assistant United States Attorney
Attorneys for the United States of America

10
11 BILL LOCKYER,
12 Attorney General

13 CHRISTOPHER M. AMES,
14 Senior Assistant Attorney General

15 LARRY G. RASKIN,
16 Supervising Deputy Attorney General
17 Attorneys for the State of California.
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1 should be extended.

2 A proposed order accompanies this notice.

3 Respectfully submitted,

4
5 DATED: 4/7/05

6 MCGREGOR W. SCOTT
7 United States Attorney

8 By KRISTIN S. DOOR
9 Assistant United States Attorney
10 Attorneys for the United States of America

11 BILL LOCKYER,
12 Attorney General

13 CHRISTOPHER M. AMES,
14 Senior Assistant Attorney General

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16 LARRY G. RASKIN,
17 Supervising Deputy Attorney General

18 Attorneys for the State of California.
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion as to be competent to serve papers.

That on April 7, 2005, she served a copy of **UNITED STATES OF AMERICA'S AND THE STATE OF CALIFORNIA'S JOINT NOTICE OF ELECTION TO DECLINE INTERVENTION** by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) listed below, which is/are the last known address(es), and by depositing said envelope in the United States mail at Sacramento, California, or by placing said copy into an inter-office delivery receptacle located in the Clerk's Office.

SERVED BY UNITED STATES MAIL

SERVED BY INTER-OFFICE DELIVERY

Paul F. Dauer
Attorney at Law
400 Capitol Mall, Suite 2950
Sacramento, CA 95814

Larry Raskin
Deputy Attorney General
1300 I Street
Sacramento, CA 95814



Deb Duckett